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May 13, 2024

**VIA ECF**

Hon. Jesse M. Furman, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Centre Street, Room 2202  
New York, NY 10007

**Re: Emery Leon Mitchem, Jr. v. New York University**  
**Case No.: 1:23-cv-07320 (JMF)**

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Dear Judge Furman:

We represent Defendant New York University (“NYU”). NYU submits this letter on behalf of the parties to inform the Court that, pursuant to the Court’s May 9, 2024 Order (Dkt. 26), the Parties met and conferred on May 13, 2024 and have negotiated a proposed resolution to NYU’s letter motion filed on May 8, 2024 (Dkt. 24).

Plaintiff’s counsel, Brian Arbetter, confirmed during this meeting that he will be moving to withdraw as counsel for Plaintiff because he is leaving his firm for an in-house position. In the interest of not delaying litigation and assuming that Mr. Arbetter’s motion to withdraw is granted, the parties request that the Court issue an order as follows:

1. Plaintiff will have thirty days from the date the motion to withdraw is granted to find new counsel or appear *pro se*;
2. Plaintiff will have thirty days from the date his counsel appears or he appears *pro se* to provide responses to Defendant’s interrogatories and document demands, including the production of documents; and
3. Plaintiff will appear for his deposition in the offices of Defendant’s Counsel in New York on a mutually agreed upon date within 30 days of Plaintiff’s service of responses to document demands and interrogatories and document production.

Pursuant to the foregoing, Defendant withdraws its letter motion without prejudice.

**JacksonLewis**

Hon. Jesse M. Furman, U.S.D.J.  
May 13, 2024

Defendant thanks the Court for its time and consideration of the above requests.

Respectfully submitted,



Susan D. Friedfel

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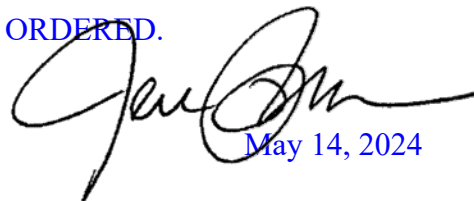
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cc: Brian Arbetter, Esq., Counsel for Plaintiff (*via ECF*)

4870-3389-4590, v. 1

The Court reserves judgment as to whether the schedule proposed above should be adopted pending the filing and resolution of Mr. Arbetter's motion to withdraw. In his declaration in support of that motion (which must be filed in accordance with the terms of Local Civil Rule 1.4), Mr. Arbetter should be sure to indicate whether Plaintiff consents to his withdrawal as sole counsel of record and -- in light of this letter -- whether Plaintiff consents to the schedule proposed above. In addition, Plaintiff would be well advised to begin looking for a new lawyer since the Court may or may not give as much time on that front as the parties suggest -- especially since Plaintiff is now on notice of counsel's plan to move to withdraw. The Clerk of Court is directed to terminate ECF No. 24.

SO ORDERED.



May 14, 2024